1.S.B.CRIMINAL MISC. BAIL APPLICATION NO.4296/2007
Chhotulal and Anr. vs. The State of Rajasthan.
2.S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4390/2007
Kajor and Anr.vs. The State of Rajasthan.
3.S.B.CRIMINAL MISC. BAIL APPLICATION NO.5192/2007
Sharwan vs. The State of Rajasthan.
4.S.B.CRIMINAL MISC. BAIL APPLICATION NO.5194/2007
Harkesh and Anr.vs. The State of Rajasthan.
5.S.B.CRIMINAL MISC. BAIL APPLICATION NO.5840/2007
Bhorilal and Others. vs. The State of Rajasthan.
6.S.B.CRIMINAL MISC. BAIL APPLICATION NO.5193/2007
Ram Sahai and Anr.vs. The State of Rajasthan.
Date of Order: 24/10/2007.

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE

Mr. R.R.Baisla
Mr. S.K. Jindal,
Mr. O.P. Pareek,
Mr. Ashvin Garg, and
Mr. Biri Singh, for the petitioners.
Mr. Jainendra Jain, Public Prosecutor.

The aforesaid bail applications arise out of the same First Information Report (No.84/2007) registered at Police station, Malarna Doongar, District,Sawai Madhopur, and are related to the same incident, therefore, they are being decided by this common order.

2. The incident had taken place on 31.5.2007 and a report came to be lodged by the

Tehsildar, Malarna Doongar, District Sawai Madhopur on 1.6.2007. The said report came to be lodged at Police Station, Malarna Doongar, District, Sawai Madhopaur, for the offences under Sections 147, 436 and 379 IPC and also for the offence under Section 3 of the Prevention of Damage to the Public Property Act, 1984 (In short PDP Act).

3. In the report, it had been stated that on the day of incident when the informant was working in the 'Patwar Ghar' on 31.05.2007 at 8.00 a.m. He learnt about the destruction being done at the Railway Station. When the informatnt had gone towards the Station he came to know that Police Chowki and Patwar Ghar has also been set on fire. The damage caused to the Patwar Ghar was assessed to be approximately Rs. 54,000/-. Thereafter, the usual investigation commenced and the petitioners were arrested. The Investigating Agency had recorded the statements of the eye witnesses namely; Ghanshyam, Ram Dayal, Ram Singh, Brijendra Singh, Harpal, Ramesh Chand etc. etc. who had specifically named the accused petitioners as they had recognised them at the place of incident. Subsequently, the petitioners moved applications for bail before

the learned Sessions Judge, Sawai Madhopur but the same were rejected. Hence, the aforesaid applications have been filed before this Court.

4. I have taken into consideration the over all facts and circumstances of the case and also perused the evidence on record filed alongwith the challan papers.

5. This incident had been a part of the agitation which a community in particular namely; 'Gurjar', had raised all over the State of Rajasthan resulting in large scale destruction of public and private properties and the members of the community had rather indulged in vandalism.

6. Right to protest does not give license to anybody to destroy the property and commit the offences against the public/society at large. A mob cannot be allowed to take law in its own hand.

7. After hearing learned counsel for the petitioners and the respondents at length and perusing the record, I am of the view, that this Court need not go into the details of the various aspect of the merits of the case but

bearing in mind the limited scope of examination of the matter at the stage of grant or refusal of bail prima-facie, I am of the view , that this is not a fit case where the petitioners may be released on bail.

8. Consequently, the bail applications are dismissed.

(RAGHUVENDRA S. RATHORE),J.

Bhatt